

DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

FILE: B-214041.2

DATE: June 1, 1984

MATTER OF: Treat Wood Products--
request for reconsideration

DIGEST:

Prior decision is affirmed where request for reconsideration merely reflects the protester's disagreement with prior decision and does not provide evidence that prior decision was erroneous.

Treat Wood Products (Treat) requests reconsideration of our decision in Treat Wood Products, B-214041, April 17, 1984, 84-1 CPD 435, which denied its protest against the Forest Service's rejection of its late bid for the Upper Richland Timber Sale, Ozark National Forest, Arkansas. We affirm our prior decision.

In the initial protest, Treat argued that the bid was late because the Forest Service did not advise Treat about the Forest Service's new late bid policy when the Forest Service discussed with Treat a letter of credit mistakenly sent to the Forest Service prior to bid opening. In other words, Treat contended that during this conversation, the Forest Service should have advised it of the change in the Forest Service's late bid policy. In May 1983, the Forest Service revised its late bid policy. Under the superseded policy, bids sent by certified mail not later than 3 days prior to bid opening could be considered even though received late. The new policy requires that the bid be sent not later than 5 days prior to the bid opening.

We held that the Forest Service's rejection of the late bid was proper because the late bid provision permitted the consideration of late bids which were sent not later than 5 days prior to bid opening by certified or registered mail and Treat's bid was sent by certified mail 3 days prior to bid opening and received after the exact time specified in the solicitation. Even though Treat was unaware of the new late bid policy and was not so informed by the Forest Service, we also concluded that this circumstance did not change the legal consequences of the bid's late arrival since the solicitation incorporated by reference the applicable late bid provision.

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In its request for reconsideration, Treat contends that our Office either did not study the materials it furnished in support of the protest or it failed to make its argument clear because our Office completely missed its reasoning. However, Treat does not state its basis for these conclusions or point out wherein our decision is erroneous. Further, Treat asks for a conference to help clarify its argument.

Essentially, Treat disagrees with our decision. Our Bid Protest Procedures require a request for reconsideration to specify errors of law made or information not previously considered in our original decision. See 4 C.F.R. § 21.9 (1983). While Treat alleges that we did not study or understand the materials it furnished to support the protest, we did carefully examine the protester's submissions; however, nothing contained in those materials provided any basis for us to conclude that consideration of Treat's late bid under the solicitation's late bid clause would be proper. Mere disagreement does not provide a basis to reverse our decision. Therefore, we find that Treat has not provided any new arguments or facts or pointed out any errors of law. Atlas Contractors, Inc.--Request for Reconsideration, B-209446.3, June 30, 1983, 83-2 CPD 46. Moreover, our procedures do not explicitly provide for a conference on reconsideration. We believe that a conference should be granted only where the matter cannot be resolved without a conference. In our judgment, this is not such a case. Contra Costa Electric, Inc.--Reconsideration, B-200660.2, May 19, 1981, 81-1 CPD 381.

Our decision is affirmed.

for *Harry R. Van Cleave*
Comptroller General
of the United States